Secrt. M.27—20,010—19-11-43.

Public (Elections) (1944) Department.

Ms SERIES.

G.O. No. 1201

Dated 15-4-1944

[Despatch Abstract.]

Suits — South Kanara — Puttur District Munsif's Court — Electoral rolls, 1937 — Arrears of printing charges — Suit filed by Manager, Harijana Press, Puttur — Filing of appeal — Considered unnec-sa

ARN 21.3.44

B

13194 Revenue Department.
Subject.

Suits (South Kanara) - District Munsiff Court - Puttur O.S.No.180/41 - Electoral Rolls, 1937 - Arrears of printing charges - suit against Government - Decided partly adverse to Government Filing of an appeal - Not necessary - Collector's report Submitted.

Ref:A.678/44-1.

Station: Madras. Dated 20-3-44.

From

T.N.S. Raghavan Esq., I.C.S.,
Secretary, Board of Revenue, Madras.

To F.W. Stewart Esq., C.I.E., M.C., I.C.S.,
Commissioner of Land Revenue.

Read:- G.O.No.2051 Public (Elections) Department dated 18-9-43.
Read:- From the Collector of South Kanara, Ref.A.3.841-44 dated 9-3-44:

Reference:-

Submitted to the Government.

2. The Board agrees with the Collector that no appeal need be filed.

T. Raghavan
20/3/44
For Secretary

To the Secretary to Government, Public (Elections) Department.
(with a printed copy of judgment.)
Copy to the Collector of South Kanara.)

ADN.20.3.44
RA. RA.
20-3

Endorsement No. 3011-E/34-1, Revenue, dated 3rd August 1934, it was stated that the Government agreed with the conclusions arrived at the Collector's Conference held in May 1934 that the work of collection of the amounts due to Co-operative Societies or liquidators now done by the Revenue Department should be entirely taken over by the Co-operative Department.

In his letter read above the Registrar of Co-operative Societies has suggested that only new applications need be entertained by his Department and that the applications which are already in the course of execution by the Revenue Department should be disposed of by that department.

The Government accept the Registrar's proposals.

(By Order of the Governor in Council)

/ J.A.Thorne
Secretary to Government.

To the Board of Revenue Land Revenue and Settlement.
To the Development department.

Endorsement

Copy of the letter from M. Karamatullah Esq., I.C.S., Collector of South Kanara, Ref.A3.841-44 dated 9-3-44:-

Sub:- SUITS - Puttur District Munsiff's Court - O.S.180/41 - Election - Electoral rolls - Suit against Government - Filing of an appeal - Report submitted.

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(M) p.49 pp.5-7 & 11-20 infra

The above suit, the defence of which was sanctioned in G.O.No.2051 dated 18-9-41 communicated with B.P.L.Dis.A.3579-41, dated 22-9-41, has been partly decided against Government. Please see copies of judgment and decree enclosed.

Issues I & II in para 3, p.11 infra

2. The main points for decision were whether the payment of printing charges to be subjected to the approval of the work by the Superintendent, Government Press and whether the printer's claim subject to the scrutiny of the Government Press. These issues have been decided against Government on the ground that though under the rules in the Madras Election Manual and in the Printing Manual, the Superintendent, Government Press as the person who is to pay has a right to scrutinise the bills of private persons, yet the plaintiff in this case is unaffected by these rules, as they had not been made part of the contract, both the Manuals being meant only for official guidance. On this footing the District Munsiff has held on issue III, IX, X and XI that the plaintiff can claim that the scrutiny by the Government Press may be passed in Court.

to 6+7, p.13 infra

do paras 8+9 on pp.13-14 infra

3. The Plaintiff's claim had been disallowed by the Superintendent, Government Press under the following 8 heads:--

(1) Shortage in the quantum of printed matter as a result of mostly wrong counting by mingling claims pertaining to different type sizes and to the absence of discrimination between double column and single column printing.

(1) & (3) on p.12 of (M)

(2) Excessive charge in respect of alteration of headings to electoral rolls of local bodies.

2) in 'K' on p.2 of (M)

(3) Folding once and twice sheets of 4 pages per 100 sheets.

(4) Gathering and collating charges of 5 sheets and above of 4 pages.

A' on p.13 of (M)

(5) Paper cover stitching charges.

(6) Cutting charges;

(7) Claim for objection statement and heading slips for Kasaragod taluk; and

X on p.14 of (M)

(8) Contingent charges.

The District Munsiff has held the disallowance to be correct in respect of items (1), (3), (4), (6) and (8) amounting to Rs.240-12-10, but improper in respect of the other items amounting to Rs.314-10-10.

1/2 of paras 11, 13 & 16 of the judgment

1/2 of paras 12, 13, 14 & 15 of the judgment

4. With regard to item (2), the District Munsiff finds that it was not a mere case of alteration of the heading only, but that the Plaintiff had to do resetting and inserting the headings without changing columns. This claim is allowed because there were no rates fixed by the Government for this work on the date of this contract and that the Revenue Divisional Officer who entered into the contract with the Plaintiff has certified that the claim is correct and that therefore the claim should be treated as one in respect of which there was a special contract or one in which the party that ordered the work later on agreed to give the rate claimed by the Printer. In respect of item (5) also the ground for allowing the claim is the same, viz., that the Revenue Divisional Officer had said that he would have it separately paid for. Concerning item (8) the question was whether the Plaintiff had submitted specimen copies of all the rolls and the District Munsiff finds that he had.

para 12, p.15 infra

'N' on p.16 infra

'S' on p.16 infra

5. The local Pleader for Government recommends the filing of an appeal on 3 points:- First with regard to item (2), though no

the copy of letter 9 infra

Government

4

C.F. 16.

DRAFT FOR APPROVAL.

DESPATCHED
3 - MAY 1935

When received for fair copying .. 3-MAY1935

When copied .. 3/5/35

When examined ..

When signed .. 30-4-35

When despatched. 3/5/35

SUBJECT:— Estates Land Act (Surrender) § 145(2) - Transfer of Registered Forms Form 8 and 10

C.F.T.d & G

READ AGAIN 07401 ..., dated ..... 19....

" " ..... " ..... 19....

READ *ALSO*:—

for reg No. ..... From the A 1718/35-A, No. ....., dated ..... 19....

" ..... " ..... " ..... " ..... 19....

" ..... " ..... " ..... " ..... 19....

Order / Res.lution Ms. / Rout. No. ....., dated ..... 19....

Encl. A 1718 of 1-5-35

Die Form and Serial No. of the forms referred to are "Registration II - Form 78, 78(a), 79, 80, 81 & 82"

29/4/35

Form A-5(2-1)

29.4.35

1.5.35

In the matter of Surrender

19-3-41

Government rate had been prescribed for this at the time of the contract, the Government Pleader says that the main bases of the contract being Government rates, the Court ought to have allowed only Rs.0-2-0, the rate fixed by the Government subsequently. With regard to item (5), the Pleader for Government says that the charges allowed are too high. Lastly the P.G. opines that the allowing of interest from 1-7-1938 the date of demand of the excess amount is unwarranted and that it should have been allowed only from 24-1-41, the date when the demand for interest was first made in the registered notice. The Government Pleader, Mangalore in his letter dated 6-3-44 does not agree with the P.G. I am inclined to agree with him that the reasoning in the judgment cannot be attacked and therefore no appeal need be filed. 'A'

6. Copies of the judgment and decree as also of the letter of the Pleader for Government Puttur and Government Pleader, Mangalore are enclosed.

7. As the appeal time expires on 18-3-44 orders may be communicated to me by wire. 'S'

In the Court of the District Munsif of Puttur, South Kanara.

Present: Sri D.R. Venkatesa Iyer, B.A., M.L.

Thursday, the 23rd Day of December 1943.

Original Suit No.180 of 1941-

H. Subraya Kamath, son of H. Ganapathi Row, Manager of the Hari Hara Press at Puttur, residing in Puttur village Puttur Taluk Puttur Post, South Kanara — Plaintiff.

The address for service of all processes and notices on the plaintiff is as stated above

against

The Province of Madras, represented by the Collector of South Kanara District, Mangalore Post. — Defendant.

Suit to recover from the defendant a sum of Rs.743-9-0 being the unpaid price of printing the Electoral Rolls for the year 1937, inclusive of interest thereon and cost of lawyer's notice.

The relief claimed is valued at Rs.743.9-0. The cause of action for the suit is stated to have arisen since 1.3.1938 in Puttur, within the jurisdiction of this Court. The plaint was presented on 2-6-1941.

Decree:- This suit coming on Tuesday, the 21st day of December 1943, for final disposal before me, in the presence of Sri H. Ganapathi Row, Vakil for the plaintiff, and of Sri B. Shivarama Holla, Advocate for the defendant, and having stood over for consideration till this day, this court doth order and decree

1. That the defendant do pay to the plaintiff (i) a sum of Rs.371.5.3 allowed, (ii) interest on Rs.314-10-10 at the rate of 6 per cent per annum from 2-6-1941 (date of plaint) till payment and (iii) Rs.56.5.7 on account of his proportionate costs of this suit, with interest thereon at the rate of 6 per cent per annum from this date till payment.

2. That the plaintiff do pay to the defendant a sum of Rs.22/- being its proportionate costs of this suit on the amount disallowed to the plaintiff and

Rs 314-10-10 plus interest at 6% from 1-7-38 — under B on p.17 supra

S.C. 3 S.C.A.

V

XA-S-(L.R.)

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initia's.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

DESPATCHED 11 MAY 1935

SUBJECT :— Village officers - (Guntur) - Tenali Tk - Pedapudi Vge Karnam - Appointment - Petition from Y. Venkatappa Sarma

READ AGAIN _____, dated _____ 19____.

" " _____ " N.G. _____ 19____.

READ *ALSO* :—

No. Dp 1 CF. From the A 1713/35, No. _____, dated _____ 19 Q.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / Resolution Ms. / Rout. No. _____, dated Endl. A 1713/35 dt. 8.5. 19 35.

Transferred to the Collector of Guntur for disposal.

ICB
8.5.35

8.5.35

8.5.35

To

The Collector of Guntur

with the petn. in original

Dp 1-2 CF.

Copy to the petitioner

Mr. Y. Venkatappa Sarma

Pedapudi Vge

Tenali Tk

Guntur Dt

Yours

4/5

3. That the defendant be and hereby is, granted three months' time from this date for payment of the amount decreed against it.

Costs of Suit.

Plaintiff's	Amount Rs.	A.	P.	Defendant's.	Amount Rs.	A.	P.
1. Stamp for plain.	84	5	0	1. Stamp for petitions.	6	0	0
2. Do. Vakalathama.	1	0	0	2. Do. Vakalatnama.	0	0	0
3. Do. exhibits.		--		3. Do. exhibits.	0	0	0
4. Do. petitions.	4	8	0	4. Translation fee.	0	0	0
5. Translation fee.		--		5. Service for process.	0	8	0
6. Service of process.	0	8	0	6. Subsistence for witnesses for attendance.		--	
7. Subsistence for witnesses for attendance		--		7. Commissioner's fee.	0	0	0
8. Commissioner's fee.		--		8. Pleader's fee on Rs.743/-	37	2	5
9. Pleader's fee on Re.743/- (as certified.)	22	0	0				
10. Process writing fees.	0	4	0				
Total.	112	9	0	Total	43	10	5

Given under my hand and the seal of the Court, this twenty third day of December 1943.

Sd/- D.R. Venkatesa Iyer,
District Munsif.

N.B:- The parties should apply as soon as possible for the return of all the exhibits which they may wish to preserve as the record will be liable to be destroyed after three years or after six years from this date according to the nature of exhibit under the rules for the destruction of records.

(Sd./- xxxxxxxxxx
Examiner.

Copy of letter dated 20-2-1944 to the Collector of South Kanara - from B.S. Holla, Pleader for Government, Puttur.

Ref:- A-3/841-44 dated 27-1-1944.
Suit - District Munsiff's Court - O.S.No.180/41 - Records submitted.

The printed copies of judgment and decree obtained by me for purposes of appeal and the connected papers, the file and a copy of the printing manual are herewith sent.

The points for appeal are:-

(1) Para 12 of the Judgment - Alteration of Headings.

Although there was no Government rate prescribed for this - heading at the time of the contract, the Government had to fix the rates for this piece of work on account of events subsequent. The main basis of the contract is Government rates, the plaintiff is bound to accept that rate. The court therefore ought to have allowed at 2 annas which is the Government rate. The Court went wrong in holding that the certificate of the Revenue Divisional Officer is final as regards the rate. The certification cannot over-ride the Government rates.

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	A.S.L.N	
When examined ..	KTV	
When signed ..	VK	
When despatched.		

8-MAY1955

SUBJECT :—

Village officers - (Ramnad) - Srivilliputtur Taluk - Sammandapuram Village - Karnam - Complaint against Shanmugavelayudam Pillay

READ AGAIN 3 , dated ____ 19____

" " ____ " ____ 19____.

READ *ALSO* :—

No.____ From the A - 1793/55-, No. 7745 dated ____ 19 55

" ____ " ____ " ____ " ____ 19____

" ____ " ____ " ____ " ____ 19____.

Order / Resolution Ms. / Rout. No.____, dated Endt A - 1793/55 - 5- 1955.

Transferred to the Collector of Ramnad for disposal.

Yn
8-5-55

8.5.55

8,535

To The Collector of Ramnad
with petition in original
7/ 10 Cf

From

6/5

9/5

11

In the Court of the District Munsif of Puttur, South Kanara.

Present:—Sri D. R. Venkatesa Iyer, B. A., M. L.

Thursday, the 23rd day of December 1943.

ORIGINAL SUIT NO. 180 OF 1941.

H. Subraya Kamath . . . . . *Plaintiff*

Against

The Province of Madras—represented by the Collector of South Kanara . *Defendant.*

This suit coming on for hearing on the 15th, 17th and 20th days of December 1943, and for final hearing on Tuesday, the 21st day of December 1943, before me, in the presence of Sri H. Ganapathi Rao, Vakil for the Plaintiff, and of Sri B. Sivarama Holla, Advocate for the Defendant, and having stood over for consideration till this day, the Court delivered the following

Judgment.

para 5 ex p. 35 of (M) Suit claim for Rs. 743—9—0 represents unpaid balance with interest of charges of printing the electoral rolls of the Legislative Assembly and of the local bodies for the year 1937 due to a local press called the Hari Hara Press by the Provincial Government. The Revenue Divisional Officer, Puttur, ordered for the said printing early in January 1938 to be completed by the end of February 1938 on an understanding that it should be paid for at the then current rates prescribed by the Government. The printer's bill amounted to Rs. 2,322—3—8 out of which a sum of Rs. 1,766—12—0 has been paid—the rest having been disallowed as not due. Plaintiff claims interest also on the withheld amount.

Vide para 1, p. 1 of (M)

Written statt. on pp. 38-40 of (M) 2. Defendant pleads various defects in the Plaintiff's claim and seeks to sustain the payment that has been already made as all that was lawfully due to the printer. Issues were settled after a perusal of the correspondence and the documents in the case and they clarify the nature of the defence.

3. *Issues.*

I. Was the payment of printing charges to be subjected to the approval of the work by the Superintendent, Government Press?

II. Was the printer's claim subject to the scrutiny of the Government Press?

III. If so, is the scrutiny of the work as recorded in letter No. P. P. 712, dated 6—5—1941 open to question by the Plaintiff?

IV. If so, is the scrutiny and the statement as a result thereof in the above letter correct?

V. Was the Plaintiff bound to support his bill for Electoral Rolls of Panchayat Boards with specimen copies of the same?

VI. If so, is the claim under that head sustainable?

VII. What are the Government rates referred to in the letter of the Revenue Divisional Officer, Puttur, dated 6—1—1938?

VIII. Did the Plaintiff submit a bill of claim in accordance with the requirements of the Defendant and as communicated to him in letter dated 19th of April 1938?

IX. Was the Plaintiff informed of the details of disagreement between his claim and the rates prescribed by Government?

Ex. B on p. 40 of (M)

pp. 11-14 of (M)

X. Was the Plaintiff informed of the details of disallowance of the claim under the following heads: (1) Excess claims with reference to the actual number of appearing pages? (2) Wrong claims under double column printing instead of single column printing? (3) Mingling of claims pertaining to different type sizes? (4) Claims above the maximum rate fixed by Government in respect of alteration of heading to local boards?

XI. If informed, is he now entitled to question the correctness of the disallowance?

XII. If he can, is his claim correct?

XIII. If he was not informed, is the disallowance under each of the above heads correct, justified and valid?

XIV. What is the amount to be disallowed under each of the above headings?

XV. Is the disallowance of the claim for objection statement and heading slips for Kasaragod Taluk justified?

XVI. Is the claim for Rs. 5—9—6 for contingent charges sustainable?

4. The few undisputed facts are the following: By a letter dated 6—1—1938 (Exhibit P2), the Revenue Divisional Officer, Puttur, addressed the Plaintiff if he would print the electoral rolls according to the rates prescribed by the Government. On the next day Plaintiff in a reply Exhibit D9 offered to undertake the work. Then followed the order Exhibit P3 by the Revenue Divisional Officer to do the work. Later there were a few instructions about the printing and the work was completed in due time. It was satisfactory and according to order. Plaintiff sent his bills Exhibits P14 series on the 17th March; but they were returned by the Revenue Divisional Officer with certain instructions to be followed in preparing the revised bills. He was asked to adopt the rates prescribed by the Government in a memo dated 8—2—1938 and to facilitate this he was supplied with a copy of the Government Circular (Exhibit P15(*a*)). On 1st July 1938 Plaintiff sent his final bills for Rs. 2,322—3—8 and in a covering letter of the same day Exhibit P19 explained how his bill had been made and pointed out in particular that the rates of 8th February 1938 would not apply to him since his contract had been made beforehand. At the end of October 1938 the Superintendent, Government Press, ordered payment of a sum of Rs. 1,766—12—0 only in his letter Exhibit D7 to the Collector of South Kanara. There is a short explanation of the basis on which the charges were calculated. Subsequently, there has been some correspondence between the local Revenue Officers and the press regards the disallowed amount. After issuing a notice under Section 80 of the Civil Procedure Code Plaintiff has filed this suit.

5. The local Revenue Divisional Officer forwarded the bills for scrutiny and for final order for payment to the Superintendent, Government Press, after furnishing the certificates prescribed by rules. Amongst them, the material portion of the certificate runs as follows: "The printing work done is according to specifications and the claim is in accordance with the accepted rates." (Exhibit D1). The bills Exhibits D1 series on their face show the scrutiny under the directions of the Superintendent, Government Press, and how it was done has been explained in detail by K. Rajaratnam, the Head Computor in the Government Press (D. W. 1). The final result and the details relating thereto appear from Exhibit D2 which is a copy of the letter from the Superintendent, Government Press, to the elections department after the Plaintiff sent his suit notice. That statement narrates the errors in the bill and explains the differences between the bill and the claim as admitted by the

Government. It is mostly with reference to this letter Exhibit D2 that the case of the Defendant has been cleared up and the issues raised.

6. The absence of a written agreement between the parties is the main cause for the trouble in this case. The Divisional Officer in his first letter Exhibit P2 stated that an agreement may be executed at an early date. The Plaintiff in his reply expressed his readiness to do so; but nothing was done thereafter in that direction. Para 68 of the Madras Election Manual prescribes that a written undertaking should be obtained from the Proprietor of a private press, who is entrusted with the work of printing electoral rolls. Apparently, there must be definiteness and clearness about the terms on which the work is entrusted. By means of correspondence the Plaintiff was directed to print at rates prescribed by Government and to complete it so as to make the rolls ready for publication before 15—3—1938. Plaintiff was also given directions as to the *quantum* of work. Beyond this the terms were not reduced to writing in the shape of a formal contract.

7. *Issues I and II.* The Government Printing Department is to do the entire printing and binding work for the Government of Madras and when such work is entrusted to private presses the expenditure in respect of payment of bills for such work will be met from the appropriation—"Stationery and Printing" (Para 230 of the Printing Manual). Necessarily, therefore, the authority who is to pay for such expenditure has to sanction the incurring of such expenditure before the work starts and to scrutinise the bills when the work is over. Paras 230 and 232 of the Printing Manual say how this is done. In the matter of printing electoral rolls Government can authorise the Collectors of the Districts concerned to get the rolls printed at private presses (para 67 of the Election Manual) and in this case also the person to meet the expenditure is the Superintendent, Government Press, from the appropriation "56F. Stationery and Printing—Printing at private presses." It was therefore quite necessary that the private printer should have been told that the Superintendent, Government Press, as the person who is to pay, has a right to scrutinise his bills and that the final payment would be subject to the approval of the Superintendent, Government Press. Plaintiff swears that he was not informed about the position of the Government Press in this matter and from the correspondence it appears that he was informed about the need for scrutiny by the Government Press and to prepare the bills so as to facilitate such scrutiny only in April 1938 after the work was completed (Exhibits P15 and P15(*a*)). If he had been told earlier it is not likely that he would have sent his bills in an altogether different form as he did in March 1938 (Exhibits P14 series). The intervention of the Superintendent, Government Press, either in the matter of executing the printing work or for payment for such work is purely a matter between the local officers here and the Superintendent, Government Press. The rules that appear in the Madras Election Manual and in the Printing Manual are for the guidance of the officers and unless they had been made part of the contract Plaintiff is not affected by such rules. In that sense, I hold that this is not a case in which the work had to be approved by the Superintendent, Government Press, or that the claim for payment was subject to the scrutiny of the Superintendent, Government Press.

8. *Issue III.* Necessarily therefore the scrutiny by the Government Press as it is done admittedly in this case without reference to the Plaintiff and without his participation cannot be final in the matter. There is no act on the part of the Plaintiff which shows that he has by conduct acknowledged such scrutiny as correct or binding on him; but, on the other hand, he has been throughout questioning it. His testimony in the witness-box that he received the amount by noting on the pay order 'under

protest' is left uncontradicted. Hence, the Plaintiff can claim that the scrutiny by the Government Press may be tested in Court by means of a suit like this.

9. *Issues IX, X and XI.* In ordering final payment of a lesser sum than what was claimed the Government Press informed the Plaintiff by Exhibit D7 what rates had been allowed and that he may prefer a supplemental bill in respect of the Panchayat Boards with specimen copies. Beyond this he has not been told why and how his claim as laid in his bills was wrong and how it had been curtailed to a lesser amount. The later correspondence only relates to the supplemental bill for the Panchayat Board electoral rolls, but how exactly the claim was dealt with by the Superintendent, Government Press, is stated in a general manner in the written statement—appearing in issue X—the really useful and material details appear in Exhibit D2 which is a copy of the letter that the Superintendent, Government Press, sent to the Elections Department in order to facilitate consideration of this suit notice under Section 80 of the Civil Procedure Code. So, for the first time Plaintiff comes to know what exactly was admitted by the Government Press only after the institution of this suit. It appears from Exhibit D2 that there are differences between the local press and the Government Press in the actual number of printed pages and in the nature of types used. The correctness of the version of the one or the other side could only be judged by a physical process of counting and actually seeing the printing matter. That matter has now been destroyed and is not available. When such differences arise it would have been far more satisfactory if there had been some devise or method by which the printer had an opportunity of knowing the difference between him and the Government press and to explain the differences. No doubt, these differences, as I shall show later on, appear to turn on a purely technical aspect of the matter, but nevertheless I think the private printer should have had an opportunity of knowing that the counting of pages was wrong and what he had to say about it and particularly when the local officers had certified that the claim was correct and that the work was satisfactory. In cases where the question whether a contract has been duly and properly performed is left to the sole discretion of one of the contracting parties and where the decision of that question depends upon testing the quantity or quality of certain object which could be seen the true and correct method is to do it in such a manner that the party whose work is judged has an opportunity of participating in the work of judging. The method adopted in the case of building contracts is an instance where such an opportunity is given. As and when the work progresses the Government Engineering Officers carry out what is called check-measurement and that is done in the presence of the building contractor. So, I hold that in this case the Plaintiff has a right to claim that the disallowance by the Government Press under the various headings as appearing in Exhibit D2 is open to investigation by Court in this suit.

10. *Issues IV, XII, XIII and XIV.* Under these issues will be considered the merits of the contentions of the two parties. Exhibit D2 is exhaustive about the nature of the Plaintiff's claim and to what extent it is admitted by the Government. It is convenient to consider the matter under certain headings.

11. The first item of disallowance arises on account of shortage in the *quantum* of printed matter which is a result of mostly the alleged wrong counting by mingling claims pertaining to different type sizes and to the absence of discrimination between double column and single column printing. Plaintiff in his bills Exhibits D1 series makes no difference between single and double column printing. The Government rates are clear and definite about the average number of lines to a page depending upon size and nature of type. Under the rates prevailing on the date of the contract

(Exhibit D3) Canarese English Body Type double column 90 lines to a page and Canarese pica 124 lines to a page and single column 45 lines and 62 lines respectively in the two types. Plaintiff is bound to measure the *quantum* of printed matter on this basis. In his evidence he says that he calculated at the rate of 90 lines to a page and he has not made any difference between single and double column printing. He says that he had not known that the Government had prescribed 90 lines a page in case of English body printing and 124 lines a page in the case of pica printing. The Head Computor in the Government Press under whose supervision the measurement of the *quantum* of printed matter was done has pointed out in his evidence how the counting by the Plaintiff was wrong. I have referred to the obvious fallacy in the measurement adopted by the Plaintiff and that was definitely contrary to the contract between the parties which said that the rates prescribed by the Government should be followed. Although the Plaintiff was to loose a larger amount if the rates claimed by him had only been given he does not stand to loose much under this heading as the Defendant has given him a higher rate as would appear from Exhibit D2. A sum of Rs. 120—7—6 is what he has lost on account of this mistake in the *quantum* of printed matter. That disallowance is correct and justified.

12. The next item of disallowance is what is alleged to be excessive charge in respect of alteration of headings to electoral rolls of local bodies. Simultaneously with the printing of rolls for the Legislative Assembly the rolls for the District Board and for the Panchayat Boards were printed. There had to be an alteration of the heading which involves some work for the printer. Plaintiff claims at the rate of 6 annas per page with reference to the Puttur General Constituency and the Kasaragod General and Muhammadan Constituencies and 4 annas in the case of the rest. At a flat rate of 2 annas only per page the Defendant accepts the claim and disallows the rest. The admitted rate of 2 annas per page has been prescribed by a memo of rates dated 18th February 1938 (Exhibit D4). But, in this case the contract between the parties was prior to that date and the Defendant has not produced any evidence to show that any rates had been fixed for change in the heading on the date of the suit contract. Whenever the Government prescribes its rate it is always said that the rates apply to work for which there are no special agreements or contracts. In this case the printer's bills show that it was not a mere case of alteration of the heading only and that he had to do re-setting and inserting the headings without changing columns. The local revenue officer who entered into this contract with the Plaintiff has certified in Exhibit D1 that the claim is correct. Therefore, either the claim should be treated as one in respect of which there was a special contract or one in which the party that ordered the work later on agreed to give the rate claimed by the printer. There were not any government rates on the date of the suit contract with reference to this item of work. I, therefore, hold that the disallowance of the Plaintiff's claim under this heading to the extent that has been done is not justified. Plaintiff will be entitled to that amount.

13. The next heading of disallowance relates to the Plaintiff's claim for the following pieces of work: (1) Folding once and twice sheets of 4 pages per 100 sheets; (2) gathering and collating charges of 5 sheets and above of 4 pages; (3) paper cover stitching charges; (4) cutting charges (*see* Exhibit D1(*b*) for the rates in respect of each work). The bills give the details of amounts claimed under these headings in respect of the electoral rolls of the various constituencies. The claims under all the above headings have been disallowed for the simple reason that the rates allowed by the Government cover also all the above works, that the rate per page is not merely for composing and printing, that it includes folding, gathering, stitching, etc.

The Head Computor of the Government Press says in the witness-box that the Plaintiff was not entitled to the various works separately, because they all relate to various stages in finishing the printing work required by the Government Rules. Appendix at page 57 of the Election Manual and also Exhibit D4 show that the rates prescribed by the Government include charges for setting, striking, folding, gathering, stitching, etc. Therefore Plaintiff cannot claim separately for folding, gathering and stitching the loose printed matter. But, in this case he has done some works beyond what is contemplated by the above rule and that is by adding paper cover stitching—a form of binding. At page 53 of the Election Manual is found that separate charges are payable for stitched paper cover and for printing the wrapper for volumes. Ordinarily the binding work by putting a paper wrapper or any kind of wrapper is done by the Government Press when all the printed matter is ultimately sent to them (*see* para 79 of the Madras Election Manual). But, in this particular case there is ample correspondence between the parties which shows that the Plaintiff was asked to do certain binding also here (*see* Exhibits P10, P11 and P12). Plaintiff also says in the witness-box that he met Mr. Mascarenhas, the then Divisional Officer, in his camp at Karkal in connection with binding and that he said that he would have it separately paid for. There is no evidence contra. Coupled with the approval of his claim by Mr. Mascarenhas, while forwarding the bill, it is to be found that the Plaintiff has to be separately paid for for charges relating to binding and in this case it comes under the heading 'paper cover stitching charges', as appearing in the printer's bills. The total of that comes to Rs. 156—11—6.

14. *Issues V and VI.* Plaintiff was directed by Exhibit P15 to send specimen copies of all the rolls included in the bills. He agreed to this course and sent the specimen copies. In fact, he had done that when he sent his first bill (*see* Exhibit P13) The difficulty in the matter of rolls for Panchayat Boards now arises, because the Defendant says that the specimen copies were not received. In his letter Exhibit P19 Plaintiff has said that he has sent the bills for all rolls including the Panchayat Boards along with relative printed copies. Exhibit P1(*a*) shows that copies of specimen rolls have been received in the Revenue Divisional Office and Plaintiff in the witness-box says that it included Panchayat Board rolls also. In his letter to the Superintendent, Government Press, Exhibit D5, the Collector of South Kanara says that the printed copies in respect of which the bills have been made are being sent separately by railway parcel. But the Superintendent, Government Press, later on said that he had not received them and the subsequent correspondence between the Plaintiff and the Revenue Officers here merely shows that each one was charging the other with responsibility for the loss of the specimen copies. Ultimately in Exhibit P17 dated 5th April 1939 the Collector wrote to the Plaintiff to submit a fresh bill in duplicate for printing the Panchayat Board electoral rolls. It is clear that the Defendant was quite prepared to admit this claim if specimen copies were available. On account of the clear and definite statements in the letter of the Plaintiff to the local officer here and of the Collector to the Superintendent, Government Press, that all the relative specimen copies have been received and sent, I hold that the Plaintiff cannot be held responsible for the absence of these specimen copies at this stage. He is entitled to be paid the costs under this heading.

15. *Issue XV.* The claim under this heading is a small amount of Rs. 9—8—0. It appears from the correspondence that the Defendant was prepared to admit this claim also provided there were specimen copies. For the same reasons as given out regards the claim for Panchayat Boards I hold that this is also payable.

16. *Issue XVI.* Contingent charges are those which are incurred by a press proprietor for carrying on his own business and the Defendant cannot be charged with that item of expenditure. That is disallowed.

17. *Issue VII.* The rates referred to in the letter of 6—1—1938 must necessarily be those that had been prescribed by Government by then and cannot relate to the rates that were prescribed later on in February 1938.

18. *Issue VIII.* The bills have been submitted as required by the Revenue Divisional Officer in his letter dated 18—4—1938.

19. In the net result Plaintiff's claim as laid in his bills is disallowed in the following manner: (1) Rs. 132—6—0 being the excess claimed on account of wrong measure of printed matter; (2) Rs. 97—8—6 under gathering, collating and folding charges; (3) Rs. 5—5—2 as cutting charges; and (4) Rs. 5—9—6 as contingent charges. The total of such disallowed items is Rs. 240—12—10. Exhibit D2 and a statement prepared by the Plaintiff and later on compared by the Pleader for the Government (Index No. 119) help in understanding how these figures are arrived at. Plaintiff's total claim was Rs. 2,322—3—8. He will be entitled to only Rs. 2,081—6—10. Out of this sum he has been paid Rs. 1,766—12—0. The balance due to him will be Rs. 314—10—10. This will carry interest at 6 per cent. per annum from the date of demand, *i. e.*, 1st July 1938. Plaintiff will be entitled to proportionate costs on this amount. Likewise the Defendant will be entitled to proportionate costs from the Plaintiff on the disallowed amount. Defendant is granted three months' time for payment of the said amounts.

20. Suit is decreed as above.

Dictated to the shorthand-writer, the transcript revised by me and pronounced in open Court, this 23rd day of December 1943.

(Signed) R. Venkatesa Iyer.
District Munsif.

APPENDIX.

The following Exhibits were filed:—

For Plaintiff.

P1.	28— 6—1938 to 30—11—1941	Delivery book maintained by the Plaintiff's Hari Hara Press, Puttur
P1(*a*).	28— 7—1938.	Entry in Exhibit P1 relating to the delivery of bills and specimen rolls to the Revenue Divisional Officer, Puttur.
P2	6— 1—1938.	Letter written by the Revenue Divisional Officer Puttur to the Plaintiff.
P3.	9— 1—1938	Do. by do. to do
P4.	14— 1—1938	Post card written by do. to do.
P5.	15— 1—1938	Letter written by do. to do.
P6.	18— 1—1938.	Do. by do. to do.
P7.		Form of electoral roll for the General Constituency of the Provincial Legislative Assembly.
P8.		Printed copy of the electoral roll for the General Constituency of the Provincial Legislative Assembly for Vorkady Polling Station, Kasaragod Taluk.

15

P9.	19— 1—1938.	Letter written by the Revenue Divisional Officer, Puttur, to the Plaintiff.
P10.	7— 2—1938.	Office copy of the letter written by the Plaintiff to the Revenue Divisional Officer, Puttur.
P11.	15— 2—1938.	Do. of do. written by do. to do.
P12.	20— 2—1938.	Do. of do. written by do. to do.
P13.	19— 3—1938.	Do. of do written by do. to do.
P14.	17— 3—1938.	Statement showing the details of bills submitted by the Plaintiff to do.
P14(*a*).	Do.	Do. do. do.
P14(*b*).	Do.	Statement showing the details of Electoral Rolls submitted by Plaintiff to the Revenue Divisional Officer, Puttur.
P14(*c*).	Do.	Do. showing the details of schedule rates submitted by do. to do.
P14(*d*).	Do.	Bill the for cost of printing charges submitted by do. to do.
P14(*e*).	Do.	Do. do. do.
P14(*f*).	Do.	Do. do. do.
P14(*g*).	Do.	Do. do. do.
P14(*h*).	Do.	Do. do. do.
P14(*i*).	Do.	Do. do. do.
P14(*j*).	Do.	Bill for the cost of composing and printing charges of claims and objection statement submitted by Plaintiff to the Revenue Divisional Officer, Puttur.
P14(*k*).	Do.	Do. do. do.
P14(*l*).	Do.	Bill for costs towards printing charges of slips submitted by Plaintiff to the Revenue Divisional Officer, Puttur.
P15.	19— 4—1938.	Letter written by the Revenue Divisional Officer, Puttur, to the Plaintiff.
P15(*a*).	Do.	Copy of Circular from the Superintendent, Government Press, Madras.
P16.	Do.	Letter written by the Revenue Divisional Officer, Puttur, to the Plaintiff.
P17.	1— 6—1938.	Telegram from the Superintendent, Government Press, Madras, to the Plaintiff.
P18.	13— 6—1938.	Letter written by do. to do.
P19.	1— 7—1938.	Office copy of letter written by the Plaintiff to the Revenue Divisional Officer, Puttur, with bills.
P20.	2—10—1938.	Notice issued by the Revenue Divisional Officer, Puttur, to the Plaintiff.
P21.	29—10—1938.	Letter written by the Collector of South Kanara to the Plaintiff.
P22.	22—11—1938.	Do. by do. to the Superintendent, Government Press, Madras.
P23.	20— 1—1939.	Do. by the Revenue Divisional Officer, Puttur, to the Plaintiff.
P24.	24— 1—1939.	Office copy of the letter written by the Plaintiff to the Revenue Divisional Officer, Puttur.
P25.	9— 2—1939.	Do. of do. written by do. to do.

17·4·42

23

(Secret)

15.4.42

C.F. 16.

DRAFT FOR APPROVAL.

Public (Ltachions) Deptt.

	Date.	Initials.
When received for fair copying ...		
When copied ...		
When examined...		
When signed ...		
When despatched.		

SUBJECT:— Suits — South Kanara — Uttur District Municipal Court Electoral rolls, 1937 Arrears of printing charges — Suit filed by the Manager, Havikara Press, Puttur — Filing of an appeal — Considered unnecessary

(1) p. 49

READ AGAIN G.O.No. 2051 Pub (Elec), dated 18-9-1941 19....

" " " " 19....

READ *ALSO*:—

C.F. No. ____ From the Board of Revenue, Ref. A. 678/44-1, dated 20-3-1944. 19....

" " " " " " 19....

" " " " " " 19....

~~Order~~ ~~Resolution~~ ~~Ms.~~ ~~Rout.~~ No. 1201, dated 15-4-42. 19....

The Government agree with the Board of Revenue that no appeal need

Vide A on p. 2 N.F.

be filed against the order of the District Munsif's Court, Puttur

2. The Govt. observe that the decree of the Court was passed on 23-12-1943 but the report was received by them only on 21-3-1944 when the appeal time had already expired. The reason for the delay opposed be investigated. ~~There should not have been such delay in submitting the report.~~

10.4.44

10.4.44

14.4.44

C.B. No. 9/44

15.4.44

To.

The Board of Revenue

" Collector of South Kanara thro' the Bd. of Revenue (L)

Copy to the S.G.P. Court

copy of Bd's reference and its enclosures on 14.1-47 (C.F.)

Noted [C. Bentley on 1-6-44]

26891
23.5.41.

25

REVENUE DEPARTMENT

Subject:

SUITS: South Kanara - Puttur District Munsiff's Court - Electoral rolls, 1937 - Arrears of printing charges - Suit filed by Manager, Harihara Press, Puttur - Filing of an appeal - Papers recorded.

B.P.Mis.No. 853

Station: Madras. Dated the 18th May, 1944.

From

~~Sx Kxxxxxx~~ T.N.S.Raghavan, Esq., I.C.S.,
Secretary, Board of Revenue.

EM.Gawne, Esq., C.I.E., I.C.S.,
Commissioner of Land Revenue.

ASSISTANT SECRETARY TO GOVT
23 MAY 1944
CHIEF SECRETARIAT

Read: From the Government, G.O.No.1201 Ms. Public Elections dated 15.4.44.
From the Collector of South Kanara Letter No.A3-841-44 dated 6.5.1944.

p. 3 infra

RESOLUTION:

Recorded.

/True Extract/

for Secretary.

To the Collector of South Kanara.

Copy to the Chief Secretary to Government Public (Elections) Department with ref. to para 2 of the G.O. cited abo

emr.19.5

p.24 c.f. of (V)

(V) 18.23-24 C.F.

20/5

20

When despatched. 11 AUG 1934

Revised Report submitted.

READ AGAIN _____, dated _____ 19__

" " _____ " _____ 19__

READ *ALSO*:— Reje: B 3.

M. No. 4244/34 From the Colln. of E Gordon No. 3810/34, dated 4. 8. 1934 A

" _____ " _____ " _____ " _____ 19__

" _____ " _____ " _____ " _____ 19__

Reje: ~~Order~~ ~~Ltr.~~ / ~~Resolution~~ ~~Rout~~ No. M 2375/34-2, dated 13. 8. 1934

Submitted to the Govt. in Continuation of the Board's Reje: No. M 2375. 34. 2, dated 21. 8. 34

2. The attention of the Collr. is invited to para 3 of the Board's Reje: No. M 2375. 34-1 dated 5. 6. 34 and he is requested to submit

27/28

Letter from the Collector of South Kanara, Ref.A3-841-44
dated the 6th May 1944.

Subject: SUITS: South Kanara - Puttur district Munsif's court - Electoral rolls, 1937 - Arrears of Printing charges - Suit filed by Manager, Harihara Press, Puttur - Filing of an appeal - Report - Submitted.

Not enclosed. Ref: Board's Ref.A.No.678/44-1 dated 28.4.1944.

*S on p.7 c.f. of (V)

∞ Cf. R on p.7 c.f. of (V)

Z on p.9 c.f. of (V)

The judgment in this case was pronounced on 23.12.1943 and the Pleader for Government who applied for copies of the judgment and the decree was able to submit them to this office on 21.2.44. There were 26 days for filing an appeal when the copies were received from the Pleader for Government, Puttur. The papers were then sent to the Government Pleader, Mangalore for his opinion and got back from him only on 6.3.44. This delay is due to the fact that this office was closed from 23.2.1944 to 3.3.1944 on account of plague. In the circumstances, the report in the matter could not be submitted earlier. All the Pleaders for Government have been requested not to delay the submission of the copies of judgment and decrees in Civil Suits.

B.2 - Pay & Establishments - Permanent: The ouie is requested to include the Credit in the Party's allowance; after ascertaining particulars from the Police - Vanjam

14.1.36

11.1.36

11.1.36

17.1

5

29/ Public (Elections) Deptt.

Please see C.S's remark at 'M' on p. 2 N.F, para 2 of the order on pp. 23-24 C.F. of G.O. 1201 Public (Exec.) dy 15-4-44 and the letter from the Collector of South Kanara on p. 3 ante giving the reasons for the delay in reporting the result of the suit.

(V)

No further action seems called for. This may be filed with the G.O. at (V)

Q 25/5/44

24.5.44

Rao 25.5.44

KKS 25/5/44 CS

GW 26/5/1944

27/5/44

GOVERNMENT OF MADRAS.
Public (Elections) Department.
Memorandum No.20981-1 dated the 10th July 1941.

Electoral rolls - Central Legislature - Legislative Assembly - Preparation of fresh rolls - Forms - Indent for.
Ref: G.O.No.1294 Public (Elections) dated 21-6-1941.

All Collectors are informed that they may forward to the Superintendent, Government Press indents for electoral rolls forms required for themselves and the Registration Officers in their districts. The languages in which the form should be printed should be specified in the indents.

The Commissioner, Corporation of Madras, may obtain the forms required by him direct from the Superintendent, Government Press, on indent.

S.V.RAMAMURTY,
Chief Secretary.

To all Collectors.
To the Commissioner, Corporation of Madras (through the Mayor Madras).
To the Superintendent, Government Press.
Copy to all Revenue Divisional Officers.
Copy to all Executive authorities of Municipal Councils (through Chairmen).

Copy to the Senior Translator to Government.

Forwarded. /By Order/

Superintendent.

Public (Elections) Departmen

SUITS - (South Kanara) - Puttur District Munsif's Court - Electoral rolls, 1937 - Arrears of printing charges - Suit filed by the Manager, Harihara Press, Puttur - Result - From the Board of Revenue. Ref.A.678/44-1. dated 20-3-1944.

C.F.

A sum of Rs.2,322-3-8 was claimed by the Manager of the Harihara Press, Puttur, South Kanara, as printing charges of the electoral rolls of 1937 relating to the General, Muhammadan and Indian Christian constituencies of the adras Legislative Assembly for the Puttur Revenue Division Registration Area. The bill was duly certified by the Revenue Divisional Officer, Puttur, and sent to the Superintendent, Government Press, for scrutiny and payment. The Superintendent, Government Press, passed the bill for Rs.1.766-12-0 disallowing the balance of Rs.555-7-8. The disallowance was made under the eight heads mentioned in para 3 of the Collector's letter on page 3 c.f. The Manager of the Press filed a suit against the Government in the Court of the District Munsif, Puttur, for recovery of the amount disallowed with interest. The defence of the suit was sanctioned in G.O.No. 2051 Public (Elections), dated 18-9-1941. For the grounds of defence, please see the written statement on pages 38-40, as modified by X on page 21 and para 2, page 49 of (M).

A on p.3 of G.O. No 2051 Pub(Elec). 18.9.41 (M)

Vide pp.31-37 of (M)

(M) p.49

2. The Collector of South Kanara has reported the result of the case. The District Munsif has held on the main issues of the case that the payment of printing charges is not subject to the approval of the Superintendent, Government Press, and the printer's claim is not subject to the scrutiny of the Government Press. The reasoning of the District Munsif is that though under the rules in the Election Manual and Printing Manual, the Superintendent, Government Press, has such right, it was not made part of a contract between the printer and the Revenue Divisional Officer and therefore the printer is not subject to those rules - vide paras 6 and 7 of the judgment on page 13 c.f.

pp. 3-5 C.F.

Issues I + II on p.11 C.F.

* Bk. 1 in Folder 35 in C.S. book case
* Book put up.

3. Out of the eight items under which the Superintendent, Government Press, disallowed the claim, the District

... p.3 C.F.

"Whether the full bill amount be allowed in respect of items (2), (5) and (7) amounting to Rs.314-10-0, but passed in respect of the other items. - I have seen a copy of the full bill and letter of [illegible] c.f. It has been held that the [illegible] by the printer should be allowed as there were no Government orders or rule under which the claim offered by the printer viz. 7-1-1938 and he is not bound to accept the [illegible] subsequent to be in Memorandum No.3604 Public (Electrical), dated 8-2-1938. According to the judgment, the Government has to pay the printer Rs.314-10-0 and interest thereon at 6% per annum from 1-7-1938; the printer and the Government have been allowed proportionate costs of the suit.

4. The Pleader for Government, Bellary, thinks that there are sufficient grounds to file an appeal, but the Govt Pleader, Bangalore, is of opinion that the reasoning in the judgement cannot be attacked. The Collector recommends that no appeal need be filed. The Board of Revenue agrees with the Collector. The appeal time has also expired on 18-3-1944. The view of the Board may be accepted.

5. The file may be sent to Legal, Finance and P.W.D. for perusal and remarks.

Sd/ 23.3.44

Sd/ 24.3.44

As regards the appeal time, the Court can condone the time limit if the appellant satisfies it that he had sufficient cause for not preferring the appeal within the prescribed time.

The collector recommends and the Board agrees that no appeal need be filed. The Board's view may be accepted.

A

Sd/ 27.3.44

CS

Yes. I have rendered before how these claims were made that rules in Manuals override contracts.

But what I do object to - is these papers reaching me for remarks on 29/3/44 when the appeal time has expired on 18/3/44 and the decree was passed on the 23/12/44. The Collector has apparently been sleeping over the matter and worked up - Sd/ 29/3/44

M

Legal - Fin - E&PH

A.D.16194/44
29.3.44.

ASSISTANT SECRETARY 29 MAR 1944 LEGAL DEPARTMENT

Legal Dept.

(3 of Unrepealed Central Acts - Vol V - put up)

S. 5 of the Limitation Act no doubt provides for the admission of an appeal presented out of time if the appellant satisfies the Court that he had sufficient cause for not preferring the appeal in time. From the papers in the file I do not see anything which would satisfy a Court that the appellant could not have been present in time. The decree of the Dist. Court in this case was on 23rd December 1943. He has been allowed for appeal from the decree a period of 30 days from the date of the decree (Art 151 of the Schedule of the Limitation Act). In calculating the 30 days period, the time taken for obtaining copies of the judgment should be excluded. Supposing that the appellant had promptly applied to the Court for copies of the judgment and decree appealed against, and had been informed that they would be ready for delivery on the 15th January 1944, he would have had to file his appeal on or before the 14th February 1944. The appellant has filed his appeal on the 12th March 1944 and has therefore been guilty of a delay of 26 days in filing his appeal. The Court will not excuse this delay unless there are good grounds for doing so. In the memorandum of appeal the appellant has stated that he was ill during the period of limitation for appeal and was unable to attend to the matter. He has not, however, filed any medical certificate in support of this allegation. In the circumstances, I do not think that the Court will be inclined to excuse the delay and admit the appeal. I would therefore recommend that the appellant be informed that his appeal cannot be entertained and that the decree of the Dist. Court be allowed to stand.

(p. 350 of Unrepealed Central Act - Vol V (put up))

∞ 5 on b. 7, c. 1.

as a stamped calculation sheet has been put on the file showing that the appellant is entitled to exclude 26 days in computing the period of limitation for appeal, the appeal has been presented on the 12th instead of the 14th March 1944.

Under these circumstances no further delay will be caused by calling for a copy of the decree (a certified copy is not necessary) and the appellant has been allowed the 18th March 1944 to file his appeal.

ASSISTANT SECRETARY TO GOVT. 31 MAR 1944 CHIEF SECRETARIAT

Legal U.O 2285-1 2/3/44

LAND REGISTRY 4 MAR 1944 PENANG

May be sent to Fin & E & P.H

Sd/ 31.3.44

Sd/ I E.P.H.

Finance (Gen A)

1801

Pub(Misc) no. 16194/44-2 31-3-44.

may be perused and passed on to Ed P.H (Para K on p. 2 above indicates the Govt's liability). It is presumed that Pub(Gen) would bear the case in mind when allocating grading work to be done at private presses in connection with the elections.

ASST. SECRETARY TO GOVERNMENT 31 MAR 1944 PENANG DEPARTMENT

M

Sd/ 31/3/44

Sd/ 2-4-44

Sd/ 3/4/44

Telegram K 15039 Ext. A-1 8/4/44

16059

4/ 10/14/4 Exp Dept(F)

May be pleased and returned to Pub(Elections)

9/10/44 JD 4.4.44

Pub(Elections)

Pub(Elections) Deptt.

Exp Dept No. 16059-1F(P) 5.4.44

ASSISTANT SECRETARY TO GOVT. 8 APR 1944 CHIEF SECRETARIAT

19144 6/4 if R

With reference to the portion marked A in the Finance Deptt. note on p.3 ante, it is submitted that the main cause for the trouble in the present case was the failure of the R.D.O. to take a written agreement from the printer. The instruction in this regard is now embodied in the Election Manual, 1941 — vide para 68 on p.47 of the Manual. The present case may however be borne in mind and fresh instruction issued if and when the work of printing electoral rolls is entrusted to private presses.

2. The Legal Secretary agrees that this is not a fit case for an appeal. A draft order is submitted for approval.

The draft may issue

10/4/44 10/4/44 11/4/44 CS 13/4/44

15 APR 1944 GOVT. OF BIHAR

A-1 14/4/44

[Issued as G.O.No. 1201 Pub(Elec) dt. 15-4-44]